

~~RECEIVED~~
CENTRAL FAX CENTER

MAY 21 2007

Serial No. 10/616,067
Page 8 of 10

REMARKS

Claims 1-13 are pending in the application. Applicants amend claims 3, 5-6, and 8-10 for minor corrections, and amend claims 1 and 11-12 for clarification. No new matter has been added.

The Examiner objected to the specification without referring to any specific informalities. Applicants respectfully request that the Examiner specify the basis for or withdraw the objection.

The Examiner objected to claims 1-12 for apparent informalities, which Applicants correct by amendment. Accordingly, Applicants respectfully request that the Examiner withdraw the objection.

Correspondingly, claims 1-13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Applicants amend the rejected claims to correct the antecedent basis issues identified by the Examiner, and to remove the "item" feature in claim 11. Accordingly, Applicants request that the Examiner withdraw the § 112, ¶ 2 rejection.

Applicants acknowledge with appreciation the Examiner's finding that claims 2-11 and 13 contain allowable subject matter. Applicants submit that base claims 1 and 12 are patentable over the reference cited against them as demonstrated below, and, accordingly, request that the Examiner allow claims 2-11 and 13.

Claims 1 and 12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Japanese Patent Application Publication No. 2000-196566 to Hiroto et al. Applicants amend claims 1 and 12 in a good faith effort to clarify the invention as distinguished from the cited reference, and respectfully traverse the rejection.

84216619_1

Serial No. 10/616,067

Page 9 of 10

The Examiner relied upon the description of the estimate section 14 and reference value management section 16 in Hiroto et al. as alleged disclosure of the claimed error rate measurement unit and reference signal-to-interference power ratio modification unit, respectively. Applicants respectfully submit that Hiroto et al., as cited and relied upon by the Examiner, fail to disclose the invention as claimed.

Hiroto et al. describe lifting a standard level of signal reception when the bit-error rate is higher than a target value and lowering the standard level of signal reception when the bit-error rate is lower than a target value.

Thus, Hiroto et al., as cited and relied upon by the Examiner, fail to disclose,

"[a]n outer-loop power control device in which a reference signal-to-interference power ratio, which is a basis of transmission power control by a communications environment, is variable, comprising:

 a signal-to-interference power ratio measurement unit measuring a signal-to-interference power ratio of a receiving signal;

 an error rate measurement unit measuring an error rate of receiving data;

 a reference signal-to-interference power ratio modification unit setting an observation time period of an error rate/number of target observation blocks of the error rate, a unit increment of a reference signal-to-interference power ratio, a unit decrement of the reference signal-to-interference power ratio and a target signal error rate in such a way to satisfy a prescribed relation equation changing a unit change value of increment or decrement of the reference signal-to-interference power ratio according to the measured error rate and modifying the reference signal-to-interference power ratio, based on the measured error rate; and

 a command generation unit generating a command for transmission power control by comparing the modified reference signal-to-interference power ratio with the measured interference power ratio," as recited in claim 1. (Emphasis added)

R4216619_1

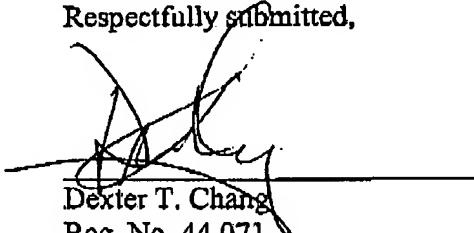
Serial No. 10/616,067
Page 10 of 10

Accordingly, Applicants respectfully submit that claim 1 is patentable over Hiroto et al. for at least the foregoing reasons. Claim 12 incorporates features that correspond to those of claim 1 cited above, and is, therefore, patentable over Hiroto et al. for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
Docket No.: 100794-00455 (FUJO 20.505)
DTC:bf

B4316619_1